

2019 No. 25

EXITING THE EUROPEAN UNION

AGRICULTURE

PESTICIDES

**The Fertilisers and Pesticides (EU Exit) (Scotland)
(Miscellaneous Amendments etc.) Regulations 2019**

Made - - - - - *31st January 2019*

Laid before the Scottish Parliament *4th February 2019*

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2, and paragraph 21(b) of schedule 7, of the European Union (Withdrawal) Act 2018^(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Fertilisers and Pesticides (EU Exit) (Scotland) (Miscellaneous Amendments etc.) Regulations 2019 and come into force on exit day.

Amendment of the EC Fertilisers (Scotland) Regulations 2006

2.—(1) The EC Fertilisers (Scotland) Regulations 2006^(b) are amended as follows.

(2) In regulation 3—

(a) in the heading, for “EC” substitute “UK”,

(b) for paragraph (1) substitute—

“(1) No manufacturer shall place on the market a fertiliser designated as a UK fertiliser unless—

(a) it is of a type listed in Annex 1 (list of types of UK fertilisers), and

(b) the manufacturer is established in accordance with Article 4 (establishment within the United Kingdom).”.

(3) In regulation 4(a), for “an EC” substitute “a UK”.

(4) In regulation 5—

(a) in the heading, for “EC” substitute “UK”,

^(a) 2018 c.16.

^(b) S.S.I. 2006/543, as relevantly amended by S.S.I. 2018/391. The amendments made by S.S.I. 2018/391 come into force on 28 February 2019.

- (b) in paragraphs (1), (2) and (3), for “an EC” substitute “a UK”.
- (5) In regulations 6(a), 7(a) and 8(a), for “an EC” substitute “a UK”.
- (6) In regulation 12(2)—
 - (a) omit “and” after sub-paragraph (a),
 - (b) omit sub-paragraph (b).
- (7) Omit regulation 16.
- (8) In regulation 17(a)(ii) omit “(2) or (5)”.
- (9) In regulation 18(1), for “an EC” substitute “a UK”.

Amendment of the Pesticides (Maximum Residue Levels) (Scotland) Regulations 2008

3.—(1) The Pesticides (Maximum Residue Levels) (Scotland) Regulations 2008(a) are amended as follows.

- (2) Omit regulation 4.
- (3) Omit regulation 5.
- (4) In regulation 6—
 - (a) for “covered by Annex I to Regulation 396/2005” substitute “listed in Part 1 of the MRLs register in relation to Scotland”,
 - (b) for “that Regulation”, in the first place it occurs, substitute “Regulation 396/2005”.

The Pesticides (Maximum Residue Levels) (Scotland) Regulations 2008: savings

4.—(1) The amendments made to regulation 6 of the Pesticides (Maximum Residue Levels) (Scotland) Regulations 2008 by regulation 3 do not affect—

- (a) any obligation or liability acquired, accrued or incurred immediately before exit day,
- (b) any penalty, forfeiture or punishment incurred in respect of any offence committed before exit day, or
- (c) any investigation, legal proceeding or remedy in respect of sub-paragraph (a) or (b).

(2) Any penalty, forfeiture or punishment referred to in paragraph (1)(b) may be imposed as if regulation 3(4) had not come into force.

(3) Any investigation, legal proceeding or remedy referred to in paragraph (1)(c) may be instituted, continued or enforced as if regulation 3(4) had not come into force.

St Andrew’s House,
Edinburgh
31st January 2019

MAIRI GOUGEON
Authorised to sign by the Scottish Ministers

(a) S.S.I. 2008/342.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) and (3) of schedule 2 and paragraph 21(b) of schedule 7 of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (d) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to subordinate legislation in the field of fertilisers and pesticides and, in particular, amend the EC Fertilisers (Scotland) Regulations 2006 and the Pesticides (Maximum Residue Levels) (Scotland) Regulations 2008.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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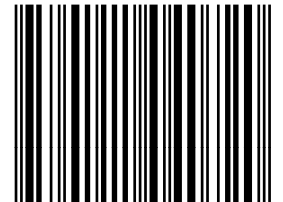
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